

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

***In re:* SUBPOENA FOR TDCJ,
PARAQUAT PRODUCTS
LIABILITY LITIGATION**

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:24-mc-00331

THIRD-PARTY MOTION TO QUASH SUBPOENA

NOW COMES the Texas Department of Criminal Justice, by and through its attorneys, the Office of the Attorney General of the State of Texas, and for its Motion to Quash the Subpoena, respectfully states the following:

MOTION TO QUASH

Ronnie Wilson, a party in the above captioned case, by and through his attorney, Jessica Murray, issued a subpoena to the Texas Department of Criminal Justice (TDCJ), to produce documents to Special Delivery Service, Inc, care of Scott Thomas, at 805 West 10th Street, Suite 200, in Austin, Texas, 78701 on April 1, 2024, at 10:00 am.

With regard to the subpoena's command for production of documents (i.e., "...electronically stored information, or objects, and to permit inspection copying, testing or sampling of the material: See Schedule A (attached), TDCJ objects on the following grounds:

1. Sovereign immunity prohibits third-party discovery against states and subdivisions thereof. *Russell v. Jones*, 49 F.4th 507 (5th Cir. 2022).
2. Additionally, the specific subpoena command for "any and all records" is overly broad and not tailored to avoid undue expense and burden on the TDCJ as a non-

party. The TDCJ is a state-wide agency which maintains voluminous records in various offices and facilities throughout the state, and the search for “any and all records” for any given offender places undue burden and expense on the agency.

3. The overly broad request and the failure to specify the exact records being sought makes it impossible for TDCJ to comply within the timeframe required by the subpoena. Therefore, the subpoena does not give sufficient time to comply.

PRAYER FOR RELIEF

The Texas Department of Criminal Justice prays for an Order of this Honorable Court quashing the subpoena and granting further relief the Court finds just.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

JAMES LLOYD
Deputy Attorney General for Civil Litigation

SHANNA E. MOLINARE
Division Chief
Law Enforcement Defense Division

/s/ Zachary C. Wilson
ZACHARY C. WILSON
Assistant Attorney General
Texas State Bar No. 24125012
zach.wilson@oag.texas.gov

OFFICE OF THE ATTORNEY GENERAL
Law Enforcement Defense Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711
(512) 463-2080 Main
(512) 370-9893 Facsimile

ATTORNEYS FOR NON-PARTIES

CERTIFICATE OF CONFERENCE

I, **ZACHARY C. WILSON**, Assistant Attorney General of Texas, do hereby certify that I attempted to confer with opposing counsel by calling the telephone number provided in the attached subpoena. Multiple calls were not answered. It is presumed that this motion is OPPOSED.

/s/ Zachary C. Wilson
ZACHARY C. WILSON
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **ZACHARY C. WILSON**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing Motion to Quash has been served on counsel by email on March 28, 2024.

/s/ Zachary C. Wilson
ZACHARY C. WILSON
Assistant Attorney General